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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,783	12/08/2003	Kia Silverbrook	MTB09US	1040

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER	
HSIEH, SHIH WEN	

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
09/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/728,783	SILVERBROOK, KIA	
	Examiner	Art Unit	
	shih-wen hsieh	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,8 and 17-24* is/are pending in the application.

4a) Of the above claim(s) *17-24* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7 and 8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413). Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

Specification

1. The disclosure is objected to because of the following informalities:

Page 11, Line 12, "The unit cell 1 with part of the wall 6". Please indicate in appropriate drawing(s) where are the numerals "1" and "6".

Page 11, line 16, "In operation, ink 11 passes through the ink inlet passage 314". Please indicate where are the numerals "11" and "314".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of: "each of the **liquid passages** is formed by **a hole** extending from the **respective chamber**, through the drive circuitry and into the monolithic wafer, and **a supply passage** extending from the liquid supply side partially through the monolithic wafer such that a fluid connection is established with the hole, the supply passage and the chamber being wider than the hole" is unclear. Because:

(1) The subject matter of "a hole" is not clearly defined in the drawing(s).

(2) The subject matter of "liquid passage" is not clearly indicated in the drawing(s). Such liquid passages are extended from each of the chambers respectively (see claim 1, line 10). Examiner supposes such liquid passages are the ones shown in fig. 7, where a hollow arrow marked with "D" is located. If Examiner is right, then the question is: where is the chamber for such liquid passages to extend? To answer this question, Examiner thinks the chamber looks like "31" in fig. 7. However, 31 is the inlet. Is inlet and chamber overlap or they are the same? Chamber is only shown in fig. 1 as numeral "7". Please explain.

(3) Figs. 2-7 has numerals 31 and 32. While numeral 31 is designated as "inlet" (see page 12, line 9), and numeral 32 is designated as "passages" (see page 11, line 28). The "supply passage" in claim 1 is passage 32 Examiner believes.

(4) There is a sizes comparison in the quoted recitation above. The sizes comparison is: "the supply passage and the chamber being wider than the hole". From this sentence, "the supply passage" is numeral "32". Examiner's question is: how the size of this supply passage and the size of the chamber are to compare with the size of the hole, since the "hole" and its size are not clearly indicated in drawing(s) such that a visual comparison can be conducted. It is better to have a drawing, in which, the "supply passage", "liquid passage" and "the hole" are all present such that the sizes comparison can be easily visualized. Please clarify.

Claims 2-5, 7 and 8 depend on a rejected base claim and are also rejected.

4. Claims 1-5, 7 and 8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

6. After reviewing the only independent claim, claim 1, which has been amended, a 112 second paragraph rejection has been set up in this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to shih-wen hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on 571-272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SWH
Sept. 6, 2007

SHIH-WEN HSIEH
PRIMARY EXAMINER